

EXHIBIT 1

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

If you worked as an Agent with Bankers Life, a proposed class action settlement may affect your rights.

A Court authorized this notice. This is not a solicitation from a lawyer.

Former Bankers Life and Casualty Company agents Christine David and Rodney Clure filed a lawsuit against Bankers alleging that Bankers Life and Casualty Company ("Bankers Life") misclassified agents as independent contractors between June 22, 2008 to July 30, 2011, rather than as employees subject to state minimum wage and overtime laws.

The Court has preliminarily approved a **settlement** of claims for agents who were assigned to Bankers Life's Bellevue Branch during the period June 22, 2008 to July 30, 2011 and who had twelve or fewer months' tenure during that time ("Agents").

Your legal rights may be affected. These legal rights and options are summarized below and fully explained in this Notice.:.

**STAY IN THE
CLASS AND
SUBMIT A
CLAIM FOR
MONEY**

By doing nothing, you will be a member of the settlement class and may submit a claim for a share of the settlement fund. If you remain in the settlement class, you will give up any right to sue Bankers separately over the same legal claims in this lawsuit. In order to receive payment under the settlement, you must submit a claim form in the manner described below by July 25, 2019.

**ASK TO BE
EXCLUDED**

If you ask to be excluded, you won't share in any part of the settlement fund. But, you keep any rights you have to sue Bankers on your own. To be excluded, you must act before July 25, 2019 as explained below.

You are receiving this Notice because Bankers Life's records show that you worked as an Agent out of the Company's Bellevue Branch or one of its satellite offices sometime during the period June 22, 2008 to July 30, 2011 and were in your first year with the Company during that time.

The Court has granted preliminary approval of a settlement of claims against Bankers Life.

As an Agent, you have the option to participate in the lawsuit and receive a share of the settlement, object to the settlement, or request exclusion from the lawsuit. That is the purpose of this notice.

Agents filed a lawsuit against Bankers Life that is currently pending before the Honorable Robert Lasnik in the U.S. District Court for the Western District of Washington. The lawsuit is known as *David et al. v. Bankers Life and Casualty Company*, Case No. 2:14-CV-00766-RSL (W.D. Wash.).

This lawsuit is about whether Bankers Life properly classified Agents as "independent contractors." Agents who brought the lawsuit against Bankers Life assert that the Agents are owed minimum wage and overtime because they were treated like employees. Bankers Life denies that it misclassified Agents.

In a class action lawsuit, one or more people called "Class Representatives" (in this case, Christine David and Rodney Clure) sue on behalf of other people who have similar claims. The people who file the lawsuit are called "Plaintiffs." The company they sue (in this case Bankers Life) is the "Defendant."

In this case, Plaintiffs and Defendant reached a proposed class action settlement that resolves claims against Bankers Life in exchange for money damages.

The Court has certified (approved) that the proposed settlement will cover a "Settlement Class" consisting of:

Agents assigned to the Bellevue Branch or one of its satellite offices during the period June 22, 2008 to July 30, 2011 who had twelve or fewer months' tenure during that period.

If the proposed settlement does not receive final approval from the Court, the Settlement Class will be dissolved and litigation of the case will resume.



The Court has approved Christine David and Rodney Clure to serve as Class Representatives of the Settlement Class and appointed attorneys Adam Berger and Lindsay Halm of the law firm Schroeter Goldmark & Bender to serve as "Class Counsel" for the Settlement Class. More information about Class Counsel is available here: www.sgb-law.com



Plaintiffs filed this lawsuit in 2011. Since then, the parties (Plaintiffs and Defendant) have exchanged significant information about the claims and defenses and investigated the facts and law that apply. The parties have conducted numerous depositions (interviews of witnesses under oath) and have hired experts to evaluate claims and damages. Both parties have filed briefs and argued several points of law in both state and federal court.

Plaintiffs and their attorneys agreed to the proposed settlement after considering and comparing the risks and benefits of continued litigation versus settlement of the case. Among the factors they considered was the likelihood that the settlement will provide fair and reasonable recovery for the Settlement Class; the risks, difficulties, and uncertainties of winning at trial; and the expense and delay that comes with continued litigation and appeals. In addition, Plaintiffs and Class Counsel considered the uncertainty of whether the case would ultimately proceed as a class action, including the federal district court's earlier decision that it could not. The Plaintiffs and their attorneys balanced all of these risks in determining that the proposed class action settlement is fair, adequate and reasonable, and in the best interests of the Settlement Class.



The following is a summary of the proposed settlement. The complete terms proposed by the Parties are contained in the proposed settlement agreement, a copy of which is on file with the Clerk of the Court.

Bankers Life will establish a maximum settlement fund of \$1,000,000 to cover back-pay, prejudgment interest, Plaintiffs' individual claims, Class Counsel's attorneys' fees and costs, and any Class Representative fee approved by the Court. The maximum settlement fund will be allocated as follows:

- \$500,000 (the net settlement fund) will be set aside to satisfy claims made by participating Settlement Class members. Class Counsel and their expert have determined the total back wages and interest they contend are owing to Settlement Class members based on the average hours Agents reported working during the relevant time period. Payment to any participating Settlement Class member will be 20% of that sum, reduced only in the event that the total value of claims submitted by participating Settlement Class members exceeds the available net settlement fund, in which case each individual's share will be reduced proportionately. Payments will be taxable as 1099 income, but not subject to payroll withholdings.
- Bankers Life will pay \$30,000 to Christine David; and \$80,000 to Rodney Clure to resolve their individual claims for wages and interest.
- Subject to approval by the Court, Bankers Life will pay \$370,000 for Class Counsel's fees and costs.
- Subject to approval by the Court, Bankers Life will pay Plaintiffs (Clure and David) no more than \$10,000 each for their time and effort expended as representatives of the class and for the benefits conferred on the class as a result of their efforts.

If the Court approves the proposed settlement, the Court will enter a final judgment dismissing the lawsuit "with prejudice." This means that the claims in the lawsuit will be permanently dismissed and Bankers Life will be "released" from those claims along with any other state, federal, or local wage claims that flow logically from the facts alleged in the lawsuit. Individuals who remain in the Settlement Class agree they cannot sue or seek recovery against Bankers Life (or, for example, its parent company, owners, subsidiaries, affiliates, and employees) for these released claims whether they submit a claim against the Settlement Fund or not. Participating in the settlement does not, however, waive or release any claims that arise after July 30, 2011.

Option 1: Be Part of the Settlement Class

You do not need to do anything to be a member of the Settlement Class. Unless you specifically ask to be excluded from the Settlement Class, you will automatically be part of the Settlement Class and will be permitted to submit a claim (through the process explained below) in order to receive your share of the net settlement fund. As a Settlement Class Member, you will be bound by all terms of the Settlement and by any other rulings in the case, whether favorable or unfavorable, if the Settlement is not approved.

Option 2: Request Exclusion from the Settlement Class

If you do not want to be included in the Settlement Class, you must submit a request to be excluded on the form provided with this Notice, including your name, current address, telephone number, and email address, and check the box stating that you wish to be excluded. Your request must be mailed to the address for Class Counsel (below) and postmarked by July 25, 2019. If your request is not postmarked by this date, you will be deemed to be a member of the Settlement Class.

Adam J. Berger
Re: Bankers Life Class Action
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
Email: cronan@sgb-law.com

If you submit a valid and timely request for exclusion from the Settlement Class, you will not be entitled to receive any benefits under the proposed Settlement, nor will you be bound by its terms or any other rulings made by the Court.



Yes; if you wish to remain in the Settlement Class, but you wish to object to any aspect of the Settlement, you may file a written objection with the Clerk of the Court by July 25, 2019. You must provide copies of your written objection to both Class Counsel and Bankers Life's counsel at the addresses listed below and postmarked no later than July 25, 2019:

Class Counsel:

Adam J. Berger
Re: Bankers Life Class Action
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104

Bankers Life's Counsel:

Ryan P. Hammond
Littler Mendelson, P.C.
One Union Square
600 University, #3200
Seattle, WA 98101

Any written objection to the Settlement must contain your name, current address, telephone number, and email address, as well as the substance of your objection(s). You may also appear in person at the final hearing to be held as stated below in order to explain your objection(s). You may hire an attorney at your own expense to represent you at this hearing and to make objections to the Settlement.

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Only Settlement Class members who object to the proposed Settlement in accordance with these procedures will be permitted to appeal or otherwise seek review of any decision by the Court approving the proposed Settlement. Settlement Class members who fail to present objections to the proposed settlement agreement in the manner provided above shall be deemed to have waived any such objections and shall be forever foreclosed from making any objections (by appeal or otherwise) to the proposed settlement.

If you wish to make a claim and receive a share of the net settlement fund, you must submit a written claim (Claim Form below) within 30 days of the date this notice was mailed.

Please note: you are not required to appear at any Court hearing to participate as a member of the Settlement Class or to receive payment. If you remain in the Settlement Class, you will be represented by Class Counsel and the Class Representatives. You also may hire an attorney of your own choosing to represent you in the case, but at your own expense.

If you have questions about this Notice or you have changed your name or address since working with Bankers Life, contact Class Counsel at the address above or you can email or call Class Counsel's Paralegal Sheila Cronan: cronan@sbg-law.com, 206-622-8000.

You may also seek the advice of your own attorney about this Notice if you desire.

Finally, all pleadings and other records in this litigation may be examined and copied at any time during regular office hours at the Office of the Clerk:

U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, WA 98101
(206) 370-8400

DEV

REQUEST TO BE EXCLUDED FROM THE SETTLEMENT CLASS

Please carefully read the enclosed notice regarding a proposed class action settlement before filling out this form.

DO NOT FILL OUT THIS FORM IF YOU WANT TO BE PART OF THE LAWSUIT



If you want to exclude yourself from the Settlement Class, please sign and date this form and mail it to Class Counsel and Bankers Life's counsel at the addresses listed below and postmarked no later than July 25, 2019:

Class Counsel:

Adam J. Berger
Re: Bankers Life Class Action
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104

Bankers Life's Counsel:

Ryan P. Hammond
Littler Mendelson, P.C.
One Union Square
600 University, #3200
Seattle, WA 98101

I want to be excluded from the settlement class that has been preliminarily approved in the case of *David et al. v. Bankers Life and Casualty Co.*, Case No. 2:14-CV-00766-RSL, U.S. District Court for the Western District of Washington at Seattle.

PRINT NAME: _____

SIGNATURE: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

DATED: _____

INSTRUCTIONS FOR SUBMITTING A CLAIM

Please carefully read the enclosed notice regarding a proposed class action settlement before filling out this form.

If you have decided to be part of the Settlement Class, you may submit a claim for money (back-pay and interest). If you wish to do so, the following information must be received or postmarked by July 25, 2019:

1. A copy of a current (valid) driver's license, passport, or other government-issued photo identification that verifies (proves) your identity.
2. A completed and signed IRS Form W-9: www.irs.gov/pub/irs-pdf/fw9.pdf

Information can be submitted by mail or by email:

David Class Action Settlement Administration– J2O
c/o Bankers Life and Casualty Company
11825 N. Pennsylvania Street
Carmel, Indiana 46032
DavidClassActionSettlement@bankerslife.com

CLAIM FORM

Use this form to submit your claim by U.S. mail

I have enclosed a copy of my current (valid) driver's license, passport, or other government issued photo identification that verifies (proves) my identity; AND

I have enclosed a completed and signed IRS Form W-9.

PRINT NAME: _____

SIGNATURE: _____

DATED: _____

PHONE/EMAIL: _____